

These minutes are not official until approved by the City of Evansville Plan Commission.

**City of Evansville Plan Commission
Regular Meeting
August 6, 2018, 6:00 p.m.
City Hall (Third Floor), 31 South Madison Street**

MINUTES

1. **Call to Order** at 6:05 pm.

2. **Roll Call:**

Members	Present/Absent	Others Present
Mayor Bill Hurtley	P	Janis Ringhand, 412 Fowler Circle
Aldersperson Rick Cole	P	Justin Marshall, 563 Spencer Drive
Aldersperson Erika Stuart	P	Kris Chilsen, 16126 W Croft Road
Bill Hammann	P	Donna Johnson, 16024 W Croft Road
John Gishnock	P	Ron Combs, Combs and Associates
Matt Eaton	P	Ralph and Sean Crull, R&K and Sons
Susan Becker	A	Brandon Rutz, 7901 N Tolles Road

14

3. **Motion to approve the agenda by Hammann, seconded by Gishnock. Approved unanimously.**

4. **Motion to waive the reading of the minutes from the June 25, 2018 regular meeting and approve them as printed by Hammann, seconded by Cole. Approved unanimously.**

5. **Civility Reminder.** Hurtley noted the City's commitment to civil discourse.

6. **Citizen appearances other than agenda items listed.** None

A. Concept Discussion for Accessory Use in Downtown – Commercial Kitchen for Product Mixing. Ringhand explained the operational needs of *Ringhand's Beer Mustard* included storing product and mixing it for packaging. Deliveries are not common and no heating or cooking of the ingredients is done. Sergeant shared two ways to handle the proposal. Since it would be an accessory use to the primary retail user at 26W main, it could be a CUP for an accessory light-industrial use. Or, it could be a CUP for a restaurant. Commission provided consensus a CUP for light-industrial made the most sense.

7. **New Business**

A. Review of Conditional Use Permit Application CUP-2018-07 to construct a new residential two unit dwelling (duplex) on Parcel 6-27-491 located at the Southeast Corner of Lincoln and S Fourth Street

i. Initial staff and applicant comments. Sergeant summarized the staff report, highlighting the priority for more density in the downtown and the fact that this would achieve that goal near a school. Marshall shared the home would be a two-sided duplex and would fit in nicely with the neighborhood.

These minutes are not official until approved by the City of Evansville Plan Commission.

- ii. **Public Hearing.** Hurtley opened the public hearing at 6:19pm, closing it at 6:21pm with no comments from the public.
 - iii. **Plan Commissioner Questions and comments.** None
 - iv. **Motion with Conditions.** *The Plan Commission approves the issuance of a Conditional Use Permit to construct a Two Family Dwelling per section 130-324 on parcel of land 6-27-491 (Tax ID 2220033022) located on the Southeast corner of S Fourth and Lincoln Streets, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a CUP set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:*
 - 1. *Conditional Use Permit is recorded with Register of Deeds*
 - 2. *Building plans and site grading approved by City Engineer*

Motion by Hammann, second by Cole, approved unanimously.
- B. Public Hearing and review of Extraterritorial Land Division Application LD-2018-07 to divide Parcel 6-16-243 located at 8347 N Tolles Road in Evansville’s Extraterritorial Jurisdiction Boundary.**
- i. **Initial staff and applicant comments.** Sergeant summarized the staff report noting the property address is 7901 Tolles Road. The proposal meets all the standards of the land division ordinance.
 - ii. **Public Hearing.** Hurtley opened the public hearing at 6:19pm, closing it at 6:21pm with Combs noting he was available to answer any questions. Rutz identified himself as also being available to answer any questions.
 - iii. **Plan Commissioner Questions and comments.** Hammann noted the application is consistent standards
 - iv. **Motion with Conditions to recommend.** *Motion to recommend to Common Council approval of the extraterritorial land division to divide parcel 6-26-243 (Tax ID 032030004) into two lots finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the condition the applicant files the final CSM with Rock County Register of Deeds.*
Motion by Hammann, second by Cole, approved unanimously.
- C. Public hearing concerning Application A-2018-01 and Ordinance 2018-08, petition for annexation of Parcel 6-20-233.01, a lot on S Sixth Street**
- i. **Initial Staff and Applicant Comments.** Sergeant reviewed the staff report. The applicant has submitted an annexation petition to annex approximately .93 acres (40,574.4 SF) from the Town of Union into the City of Evansville. Additionally, the applicant has requested a rezone of the parcel through Ordinance 2018-08. Some concerns exist regarding storm water and DOA approval. Staff has added conditions to address the concerns.
 - ii. **Pre-Annexation agreement review.** Sergeant reviewed the agreement including provisions to construct sidewalk and sewer and water connections.
 - iii. **Public Hearing.** Hurtley opened the public hearing at approximately 6:30pm, closing it 7:06pm. Johnson expressed concerns over stormwater accumulating in her yard and neighboring properties. Additionally, she noted the application was turned down by Rock County twice after the applicant presented the same plan each time. Combs explained the plans were changed. The first application included locating the house

These minutes are not official until approved by the City of Evansville Plan Commission.

within the floodway, the second application moved the house East and north with less in the floodway and created a water holding area to avoid any storm water runoff to neighboring properties. Chilsen expressed concern that this would affect her farm crops with more water. She said a pipe that was put in across her farm was not done correctly as a result of the city engineer. Hurtley explained the pipe was put in to address water concerns and a new city engineer is in place since. Gishnock shared that a rain garden would be a great way to infiltrate water on site from the home and driveway. Combs expressed that was a goal to include a rain garden. Johnson asked if a rain garden could be added as a condition. Sergeant said it could be, but might be too restrictive. The proposed condition to have the City Engineer approve a water control plan would achieve the goal of mitigating the impact of stormwater runoff. Sergeant noted the engineer may not approve the plan proposed by the applicant, and that would result in the annexation application being unable to move forward. Johnson asked how the rain garden would remain in place. Sergeant said if it was a condition of approval and was removed, a notice of violation could be issued. He cautioned the ability to monitor the garden could be difficult as landscaping ages. Johnson asked how they could be assured the city will monitor the garden. Sergeant said a Building Inspector was recently hired to inspect for code compliance, however anyone can take legal action against the City or another property owner if they feel the value and enjoyment of their property is being harmed by that entity. Combs said the annexation would allow the home to be moved further north and would result in even less impact on the floodway if approved.

- iv. **Plan Commissioner Questions and Comments.** Hammann shared a series of errors created flooding issues in this area a decade ago, but that has all been corrected by a series of control ponds further north. Stuart asked why develop the property if it will cause concerns. Combs indicated the impact of this one house on the last available lot in the area, will not contribute to any problems in the area.
- v. **Motion with conditions to recommend to Common Council the adoption of ordinance 2018-08 and annexation agreement. Finding the annexation is consistent with the Comprehensive Plan, The Plan Commission recommends Common Council approval of Ordinance 2018-08 and the pre-annexation agreement, annexing territory to the City of Evansville, with the following conditions:**
 - 1. The applicant signs and accepts the Annexation agreement
 - 2. Annexation area expanded to include the entire Sixth Street right of way
 - 3. Lot Line adjusted to create a 77.5' to 80' right of way
 - 4. A complete storm water control plan approved by engineer
 - 5. Sidewalk and approved curb and gutter constructed
 - 6. Back taxes for the Town of Union are reimbursed
 - 7. DOA approves annexation
 - 8. Sewer and Water extensions are submitted for City Staff and Stat approval.
 - 9. Site restrictions agreed to per staff review of sewer and water extensions.
 - 10. Site Grading plan approved by staff prior to construction

Motion by Hammann, second by Eaton, approved 5-1 on roll call vote with Stuart voting no.

These minutes are not official until approved by the City of Evansville Plan Commission.

- D. Public Hearing and Review of Rezone Application RZ-2018-07 and Ordinance 2018-09 to change the zoning from (Temporary Residential) A to R-1 on annexed Parcel 6-20-390.11 located on S Sixth Street.**
- i. **Initial staff and applicant comments.** Sergeant summarized the staff report, noting the need to rezone to allow a home to be constructed.
 - ii. **Public Hearing.** Hurtley opened the public hearing at 7:16pm, closing it at 7:17pm with no comments from the public.
 - iii. **Plan Commissioner questions and comments.** Hammann asked if conditions could be added to reflect the stormwater plan approval. Sergeant said they could be.
 - iv. **Motion with Conditions.** *The Plan Commission recommends the City Council approve Ordinance 2018-09, Rezoning Territory from Temporary Residential (A) to Residential District One (R-1) Zoning, finding that the public benefits of the proposed rezoning outweigh any and all potential adverse impacts of the proposed rezoning, as identified in Section 130-174(3)a-c of City ordinance, with the following condition:*
 1. *Annexation Application A-2018-01 and Ordinance 2018-08 is approved by Common Council.*
 2. *Conditions of Approval for Application A-2018-01 and annexation agreement are met.*
 3. *A complete storm water control plan approved by engineer*
 4. *Site Grading plan approved by staff prior to construction*

Motion by Hammann, second by Cole, approved unanimously.
- E. Review and Discussion of Mobile Business Ordinance Use – Carriage Rides.** Sergeant notified the commission a person has asked to provide carriage rides via horse in the City. Sergeant said if this is considered a mobile business a pickup and drop off location would have to be identified on private property. However, the intention of Mobile Business permits was focused on stationary users. The Commission reached a consensus that a Mobile Business permit would not be needed as the use does not meet the definition of a mobile business per Chapter 22, “*Mobile business* means a for-profit business which has no permanent address in the city and which is selling goods from a motor vehicle, trailer, or food cart.” Hammann noted the person is not selling goods from the carriage.
- 8. Old Business**
- A. **Zoning Ordinance Updates (Placeholder).** None
- 9. Monthly Reports**
- A. Report from the Community Development Director
 - i. Report on permitting activity by Zoning Administrator
 - ii. Report on building permits and enforcement
 - iii. Other
 - B. Report of the Evansville Historic Preservation Commission
 - C. Report on Common Council actions relating to Plan Commission recommendations
 - D. Report on Board of Appeals actions relating to zoning matters

These minutes are not official until approved by the City of Evansville Plan Commission.

E. Planning education/news: USA Today Dark Sky Article. Sergeant expressed the need to approve a lighting ordinance with dark skies being front page news. Gishnock noted this could be a selling point for Evansville, the ability to live in a city and still see the night sky.

10. Next Meeting Date September 4, 2018 at 6:00pm

11. Motion to Adjourn by Stuart, seconded by Hammann, passed unanimously.